

Appl. No. 10/715,434
Reply to: Office Action dated August 19, 2005
Title: SELF-SEALING PROTECTION FILTER PORT

In the Drawings

Please amend the Drawing Figures as follows:

Enclosed herein are Replacement Sheets presenting formal drawings of Figures 1-3, which are to replace the informal drawings filed with the application.

REMARKS

Applicant has reviewed the Office Action mailed August 19, 2005. Claims 1, 3, and 5 are being amended and claims 21-58 are being added by this Response. Claims 3 and 5 are amended to correct informalities therein. Support for the amendments to Claim 1 can be found, for example, in paragraph [0025] and figures 1-3 of the originally filed application. New independent Claims 21 and 40 correspond to originally filed independent Claim 1 and dependent Claims 3 and 20, respectively. New dependent Claims 22-39 and 41-58 correspond to originally filed dependent Claims 2 and 4-19. As such, Applicant respectfully submits no new material is presented herein. Thus, claims 1 through 58 are pending in the application. Applicant hereby requests further examination and reconsideration of the application in view of the following remarks.

Drawings

The drawings are objected to under 37 C.F.R. §1.84(t). Enclosed herein are Replacement Sheets presenting formal drawing of the originally filed informal drawing Figures 1-3, which are believed to be responsive to and overcome the objection to the drawings. Withdrawal of the objection is respectfully requested.

Claim Objection

Claim 3 is objected to for an informality therein. The claim has been amended responsive to the objection. Applicant respectfully requests withdrawal of the objection.

Indication of Allowable Subject Matter

Applicant respectfully acknowledges and appreciates the indication by the Examiner that Claims 3-20, though objected to for being dependent upon a rejected base claim (i.e., Claim 1), would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. In this regard, Applicant respectfully notes new independent Claim 21 corresponds to originally filed Claims 1 and 3, combined, and new independent Claim 40 corresponds to originally filed Claims 1 and 20. As such, Applicant respectfully submits Claims 21 and 40 are in condition for allowance. Dependent Claims 22-39 and 41-58, which depend from Claims 21 and 40,

respectively, are also considered in condition for allowance for their dependency on allowable Claims 21 and 40, as well as for the additional subject matter recited therein. Withdrawal of the objection to Claims 3-20 is respectfully requested as the claims are considered to be in condition for allowance.

Claim Rejection – 35 U.S.C. §102

Claims 1-2 were rejected under 35 U.S.C. §102(b) as being anticipated by Nicko (U.S. Patent No. 3,715,032). Applicant respectfully traverses this rejection

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Nicko fails to disclose or even suggest the “sealable opening is perpendicular to a longitudinal axis of the filter port and the biasing member is biased along the longitudinal axis of the filter port to seal the opening when the filter is disconnected from the filter port,” as recited in claim 1 of the instant application. Nicko discloses a self-sealing protection filter port (114) connectable to a filter (24), the filter port including a housing (26), a sealable opening (inlet opening 50) within the housing, a biasing member (valve 116) disposed within the housing, and a filter seal comprising a polymer O-ring (126) capable of providing an air tight seal connected to the biasing member, wherein the sealable opening is open, and the filter communicates with the opening when the filter is connected to the filter port, and wherein the biasing member is biased to seal the opening when the filter is disconnected from the filter port in Figures 1-2 and 6. More specifically, if the longitudinal axis is taken to extend through the bore (64), then the sealable opening (inlet opening 50) is parallel thereto and not perpendicular as is the sealable opening of Claim 1. Alternatively, if the longitudinal axis is taken to extend through the inlet and outlet openings (50 and 52), then the biasing member (valve 116) is

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not biased along the longitudinal axis but rather is biased orthogonal or perpendicular thereto.

For these reasons, Applicant respectfully requests the withdrawal of the §102(b) rejection of claims 1 and 2. Claims 2-20 properly depend from claim 1 and should be allowed as dependent upon an allowable base claim. Applicant respectfully submits that claims 1-20 are in condition for allowance.

CONCLUSION

In light of the forgoing, reconsideration and allowance of claims 1 and 2 is earnestly solicited. Thus, the application is respectfully submitted to be in condition for allowance. Accordingly, notification to that effect is earnestly solicited. In the event the indication of allowability is withdrawn, applicants reserve the right to amend the claims back to the original form for further prosecution, without prejudice, disclaimer or estoppel. In the event that issues arise in the application that may readily be resolved via telephone, the Examiner is kindly invited to contact the undersigned Attorney at (410) 347-8754 to facilitate prosecution of the application.

Respectfully submitted,

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Dated: February 17, 2006

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